


Jun-16-01 03:01pm

From-498 UN...ITY AVE, 15th Fl -2

4105811690

T-434 P 34/37 F-454

-9-

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN				Docket No. 92835-1
Serial No.	Filing Date	Patent No.	Issue Date	
Applicant/ Patentee: PETER C. NIELSEN and JOSEPH Z. SLEIMAN				
Invention: LABELLING APPARATUS AND METHOD			 22463 PATENT TRADEMARK OFFICE	
<p>I hereby declare that I am:</p> <p><input type="checkbox"/> the owner of the small business concern identified below:</p> <p><input checked="" type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:</p> <p>NAME OF CONCERN: AG-TRONIC CONTROL SYSTEMS INC.</p> <p>ADDRESS OF CONCERN: 609 Mersea Road 6, R.R. #5, Leamington, Ontario N8H 3V8, Canada</p> <p>I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 1.21.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p> <p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:</p> <p><input checked="" type="checkbox"/> the specification filed herewith with title as listed above.</p> <p><input type="checkbox"/> the application identified above.</p> <p><input type="checkbox"/> the patent identified above.</p> <p>If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).</p>				

Jun-15-01 03:01pm

From-438 U.S. PATENT & TRADEMARK OFFICE, 15th fl -2

4165911690

T-434 P. 35/37 F-464

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in this invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME
ADDRESS

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME
ADDRESS

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME
ADDRESS

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME
ADDRESS

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Joseph Z. Sleiman

TITLE OF PERSON SIGNING

OTHER THAN OWNER:

President

ADDRESS OF PERSON SIGNING:

609 Mersea Road 6, R.R.#5, Leamington, Ontario N8H 3V8, Canada

SIGNATURE:



DATE:

June 15, 2001

- (1) prior art cited in search reports of a foreign patent office in a counterpart application,
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

Jun-15-01 03:00pm

From-438 UNIVERSITY AVE. 15th fl -2

4165911690

T-434 P.29/37 F-454

- 2 -

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I hereby claim foreign priority benefits under 35 United States Code, § 119 and/or § 365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing of this application:

PRIOR FOREIGN APPLICATION(S)

<u>Number</u>	<u>Country</u>	<u>Filing Date</u> <u>(Day/Month/Year)</u>	<u>Date First</u> <u>Laid-open or</u> <u>Published</u>	<u>Date</u> <u>Patented</u> <u>or Granted</u>	<u>Priority</u> <u>Claimed?</u>
---------------	----------------	---	--	---	------------------------------------

NIL

I hereby claim the benefit under 35 United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
---------------------------	--------------------

NIL

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

PRIOR U.S. OR PCT APPLICATION(S)

<u>Application No.</u>	<u>Filing Date</u> <u>(day/month/year)</u>	<u>Status</u> <u>(pending, abandoned, granted)</u>
------------------------	---	---

NIL

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge

Jun-15-01 03:00pm

From-438 UNIVERSITY AVE, 15th fl -2

4165911690

T-434 P.30/37 F-454

- 3 -

that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following patent agents with full power of substitution, association and revocation to prosecute this application and/or international application and to transact all business in the Patent and Trademark Office connected therewith:

JOHN R. MORRISSEY (Reg. No. 28585)
KELTIE R. SIM (Reg. No. 34535)
ALISTAIR G. SIMPSON (Reg. No. 37040)
MATTHEW ZISCHKA (Reg. No. 41575)

GUNARS GAIKIS (Reg. No. 32811)
RONALD D. FAGGETTER (Reg. No. 33345)
YOON KANG (Reg. No. 40386)
NEIL W. HENDERSON (Reg. No. 47359)

PLEASE SEND CORRESPONDENCE TO:



22463

PATENT TRADEMARK OFFICES

SMART & BIGGAR
438 University Avenue
Suite 1500, Box 111
Toronto, Ontario
M5G 2K8 CANADA

Attention: Ronald D. Faggetter

Telephone: (416) 593-5514

Facsimile: (416) 591-1690

1) INVENTOR'S SIGNATURE: 

Date: Jun 15/2001

Inventor's Name: Peter C. Nielsen
(First) (Middle Initial) (Family Name)

Country of Citizenship: Canada

Residence: Leamington, Ontario, Canada
(City, Province, Country)

Post Office Address: c/o Ag-Tronic Control Systems Inc., 609 Mersea Road 6, R.R.#5,

Leamington, Ontario N8H 3V8, Canada

Jun-15-01 03:00pm

From-438 UN

TY AVE, 15th fl -2

4165911690

T-434

P.21/37

F-454

- 4 -

2) INVENTOR'S SIGNATURE:

Date: June 15, 2001

Inventor's Name:

JosephZ.Sleiman

(First)

(Middle Initial)

(Family Name)

Country of Citizenship:

Canada

Residence:

Leamington, Ontario, Canada

(City, Province, Country)

Post Office Address:

c/o Ag-Tronic Control Systems Inc., 609 Morse Road 6, R.R.#5,Leamington, Ontario N8H 3V8, Canada

(File No. 92835-1 RDF:bw)

69063244 55494